

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, MAY 24, 2011

ORDINANCE AMENDING VARIOUS SECTIONS OF THE ROANOKE COUNTY ZONING ORDINANCE

WHEREAS, in June 2009, the Planning Commission and Community Development staff identified several areas of the zoning ordinance to review and update dealing with, but not limited to: parking and parking structures, solar energy systems, private roads, fuel centers, religious assembly, home occupations, accessory apartments, private stables, multiple dog permits, temporary family health care structures, conditional zoning, enforcement procedures, nonconforming uses, broadcasting towers and the board of zoning appeals including reducing the appeal period for certain use violations; and

WHEREAS, on April 5, 2011, the Roanoke County Planning Commission held a public hearing on various amendments to the Zoning Ordinance and recommended said amendments to the Board of Supervisors for adoption; and

WHEREAS, on April 26, 2011, the Board of Supervisors held a work session on said amendments; and

WHEREAS, public necessity, convenience, general welfare and good zoning practice are valid public purposes for such recommendations by the Planning Commission and action by the Board of Supervisors; and,

WHEREAS, the first reading of this ordinance was held on May 10, 2011, and the second reading and public hearing was held on May 24, 2011.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Roanoke County as follows:

1. That the Zoning Ordinance is hereby amended to read and provide as follows:

ARTICLE I – GENERAL PROVISIONS

SEC. 30-15. CONDITIONAL ZONING; GENERALLY.

Sec. 30-15-4. Amendments and Variations of Conditions.

(B) There shall be no amendment or variation of conditions created pursuant to the provisions of this ordinance until after a public hearing by the commission and board advertised pursuant to the provisions of section 15.2-2204 of the Code of Virginia, as amended. However, where an amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing. The cost of all public advertisements shall be the responsibility of the applicant.

SEC. 30-21. ENFORCEMENT PROCEDURES.

(B) Property owners, permit applicants, and/or establishment owners/managers, as applicable, shall be notified in writing via certified mail of violations of the provisions of this ordinance. The administrator shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The administrator may establish a reasonable time period for the correction of the violation, however in no case shall such time period exceed ~~ten (10)~~ thirty (30) days from the date of the delivery, mailing or posting of the notice ~~written notification~~, except that the administrator may allow a longer time period to correct the violation if the correction would require the structural alteration of a building or structure.

~~(C) If the violation is not corrected within the time period specified in the first notification, a second written notice shall be sent. The second notification shall request compliance with these provisions within a period not to exceed seven (7) days.~~

~~(D)~~ If the administrator is not able to obtain compliance with these provisions in accordance with the procedures outlined above, civil and/or criminal procedures may be initiated in accordance with county law.

SEC. 30-23. NONCONFORMING USES AND STRUCTURES; GENERALLY.

Sec. 30-23-2. Nonconforming Uses of Buildings, Structures or Land.

(I) If a non-conforming residential or commercial building or structure is damaged or destroyed by a natural disaster or other act of God, such building or structure may be repaired, rebuilt or replaced to eliminate or reduce the non-conforming features to the extent possible without the need to obtain a variance. If such building or structure is damaged greater than 50% and cannot be repaired, rebuilt or replaced except to restore it to its original non-conforming condition, then the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building or structure shall be in compliance with the Uniform Statewide Building Code and the County's floodplain regulations. Unless such building or structure is repaired, ~~or~~ rebuilt or replaced within two years of the date of natural disaster or other act of God, such building or structure shall only be repaired, rebuilt or replaced in accordance with the provisions of this ordinance. If the non-conforming building is in an area under federal disaster declaration and it has been damaged or destroyed as of a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two years to repair, rebuild or replace the building or structure.

SEC. 30-24. BOARD OF ZONING APPEALS.

Sec. 30-24-1. Powers and Duties.

(B) The BZA shall have the power and duty to authorize upon appeal or original application in specific cases a variance from the terms of this ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of this ordinance will result in unnecessary hardship. No such variance shall be granted unless the spirit of the ordinance shall be observed and substantial justice done. To legally grant a variance, the BZA must be presented evidence and make a finding that:

3. That the granting of the variance will alleviate a clearly demonstrable hardship ~~approaching confiscation~~, as distinguished from a special privilege or convenience sought by the applicant.

Sec. 30-24-2. Applications for Variances.

(B) The BZA shall not consider substantially the same request for one (1) year, unless it is the subject of a motion to re-hear.

Sec. 30-24-3. Applications for Appeals.

(A) Appeals to the BZA may be taken by any person aggrieved or by an officer, department, board, or bureau of the county affected by any decision of the administrator,

or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this ordinance. Appeals must be made within thirty (30) days after the entry of the decision appealed from by filing with the administrator and with the BZA, a notice of appeal, specifying the grounds thereof. ~~The administrator shall forthwith transmit to the BZA all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the administrator certifies to the BZA that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless a restraining order is granted by the BZA, or by a court of record, on application and on notice to the administrator and for good cause shown.~~

(B) An appeal period of ten (10) days may be made for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

(C) The administrator shall forthwith transmit to the BZA all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the administrator certifies to the BZA that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless a restraining order is granted by the BZA, or by a court of record, on application and on notice to the administrator and for good cause shown.

ARTICLE II – DEFINITIONS AND USE TYPES

SEC. 30-28. DEFINITIONS.

(C) For the purposes of this ordinance, the words and phrases listed below in this section shall have the meanings described below.

Act of God: A natural event, not preventable by any human agency, such as flood, storms, or lightning. Forces of nature that no one have control over, and therefore cannot be held accountable.

Alley: An open way that affords a service (i.e. garbage collection, delivery, mail) means of access to an abutting property, which allows homeowner or property owner use/access, but is not maintained by any local, state or federal government.

Buffer, riparian: A natural vegetated area left undisturbed or an established vegetated area, adjacent to the bank of a watercourse, through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering out sediment and other nonpoint source pollutants from runoff before it reaches a watercourse.

Disaster: Any (i) man-made disaster including any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage of property or injury to persons in the United States and may be by use of bombs, missiles, shell fire, nuclear, radiological, chemical, or biological means or other weapons or by overt paramilitary actions; terrorism, foreign and domestic; also any industrial, nuclear, or transportation accident, explosion, conflagration, power failure resource shortage, or other condition such as sabotage, oils spills, and other injurious environmental contaminations that threaten or cause damage to property, human suffering, hardship, or loss of life; and (ii) any natural disaster including any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, communicable disease of public health threat, or other natural catastrophe resulting in damage, hardship, suffering, or possible loss of life.

Identification sign: A permanent ~~on-premises~~ sign displaying only the name of a subdivision, multifamily housing project, shopping center, industrial park, office park, church, school, public or quasi-public facility or similar use type.

Lighting plan: A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed.

Parking area: An area provided for the temporary parking of operable motor vehicles and bicycles, including any related aisles, parking spaces, ingress and egress lanes, turning and maneuvering areas, private garages, incorporated landscaped areas, and similar features meeting the requirements established by section 30-91 but not including any part of a public right-of-way or public street.

Parking, off-street: Spaces on premises rather than on the street for the temporary parking of one (1) or more operable motor vehicles and bicycles conforming to the parking area standards of section 30-91.

Parking structure: A structure, or portion thereof, composed of one (1) or more levels or floors used for the temporary parking of operable motor vehicles and which may include other permitted uses. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed. For purposes of this definition, a parking structure includes a building for a standalone parking facility use or a structure for parking which is accessory to a permitted principal use.

Pasture: An area covered with grass or other plants used or suitable for grazing by horses or ponies.

Recreational vehicle: A vehicle which can be towed, hauled or driven, designed and used as temporary living accommodations for recreational, camping or travel uses only. Recreational vehicles shall include travel trailers, pick-up campers, motor homes, tent trailers or similar devices used for temporary mobile housing, ~~and shall also include~~ boats and personal watercraft.

Solar collector: Any device used to collect direct sunlight for use in the heating or cooling of a structure, domestic hot water, swimming pool or for the generation of electricity.

Solar energy: Refers to radiant energy (direct, diffuse, and reflected) received from the sun.

Solar energy system: Any solar collector or other solar energy device along with its ancillary equipment whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation or water heating.

Temporary family health care structure: A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited

to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code.

Underground structure: A structure that is entirely or the majority of the structure is below grade.

Undeveloped land: Land in its natural state before development.

SEC. 30-29. USE TYPES; GENERALLY.

Definitions:

Fuel center: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any vehicle fuels, oils or accessories. This use can be a standalone business or accessory to another business.

Outdoor gathering: Any temporary organized gathering expected to attract five hundred (500) or more people at one time in open spaces outside an enclosed structure. Included in this use type would be music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section. Such activities held in public parks, university campuses or on public school property shall not be included within this use type.

~~Parking facility, surface/structure:~~ A principal use of a site for surface parking or a parking structure unrelated to a specific use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use ~~type~~ shall not include a parking ~~facilities structure~~ accessory to a permitted principal use, such as a private garage in a residential or agricultural district.

Restaurant, drive-in or fast food: An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery or table service, served at a counter, a drive-up or drive through service facility or by curb service. Typical uses include drive-in or fast food restaurants or coffee shops.

Scrap and salvage services: Places of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include towing services, paper and metal salvage yards,

automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

ARTICLE III – DISTRICT REGULATIONS

SEC. 30-36. AV AGRICULTURAL/VILLAGE CENTER DISTRICT.

Sec. 30-36-2. Permitted Uses.

(B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

4. *Commercial Uses*
Fuel Center*

SEC. 30-41. R-1 LOW DENSITY RESIDENTIAL DISTRICT.

Sec. 30-41-2. Permitted Uses.

(A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

1. *Agricultural and Forestry Uses*
Stable, Private*

12. *Residential Uses*
Accessory Apartment*
Multiple Dog Permit*

23. *Civic Uses*

34. *Miscellaneous Uses*

(B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

- ~~1.~~ ~~*Agricultural and Forestry Uses*~~

~~Stable, Private*~~

~~21.~~ *Residential Uses*
~~Multiple Dog Permit*~~

~~32.~~ *Civic Uses*

~~3.5.~~ *Commercial Uses*

SEC. 30-42. R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

Sec. 30-42-2. Permitted Uses.

(A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

1. *Residential Uses*
~~Multiple Dog Permit*~~

(B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

1. *Residential Uses*
~~Multiple Dog Permit*~~

SEC. 30-47. PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT.

Sec. 30-47-2. Permitted Uses.

(A) The following uses are permitted in the planned residential development district. However, no use shall be permitted except in conformity with the uses specifically included in the final master plan approved pursuant to section 30-47-5. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

4. *Commercial Uses*
~~Fuel Center*~~

Sec. 30-47-3. Site Development Regulations.

(A) Each planned residential development shall be subject to the following site development standards.

9. Streets in the PRD district may be public in accordance with VDOT and county standards or may be private in accordance with the private road standards specified in the Roanoke County Design Handbook. In reviewing the PRD preliminary master plan, the commission may recommend, and the board may approve, one or more private streets within the proposed district.

SEC. 30-51. NC NEIGHBORHOOD COMMERCIAL DISTRICT.

Sec. 30-51-2. Permitted Uses.

(B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

1. *Commercial Uses*
Fuel Center*

SEC. 30-53. C-1 OFFICE DISTRICT.

Sec. 30-53-3. Site Development Regulations.

General standards. For additional, modified, or more stringent standards for specific uses, see article IV, use and design standards.

(B) *Minimum setback requirements.*

2. Side yard: None.
 - a. ~~Principal structures: 10 feet on any one side, with a combined total on both sides of at least 25 feet.~~
 - b. ~~Accessory structures: 10 feet behind the front building line, or 3 feet behind rear building line.~~

SEC. 30-54. C-2 GENERAL COMMERCIAL DISTRICT.

Sec. 30-54-2. Permitted Uses.

(A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

4. *Commercial Uses*
Fuel Center*

SEC. 30-57. PCD PLANNED COMMERCIAL DEVELOPMENT DISTRICT.

Sec. 30-57-3. Site Development Regulations.

(A) Each planned commercial development shall be subject to the following site development standards:

5. Public streets in the PCD district shall be built in accordance with VDOT and Roanoke County standards. In reviewing the PCD preliminary master plan, the commission may recommend, and the board may approve, one or more private streets within the proposed district. ~~Private street standards, specifications and a proposed maintenance agreement shall be submitted with the preliminary master plan.~~ Private residential streets in the PCD district shall be built in accordance with the private road standards specified in the Roanoke County Design Handbook. Construction details for private residential streets shall be submitted with the PCD preliminary master plan.

Sec. 30-57-7. Revisions to Final Master Plan.

(B) All other changes in the final master plan shall be considered minor amendments. The administrator, upon receipt of a written request of the owner, may approve such minor amendments.

1. If the administrator fails to act on a request for a minor amendment to the master plan within ~~45~~ 30 calendar days, it shall be considered approved.

SEC. 30-58. CVOD CLEARBROOK VILLAGE OVERLAY DISTRICT.

Sec. 30-58-4. Permitted Uses and Use Restrictions.

(B) Unless prohibited in 30-58-4(A) a special use permit shall be required for all uses listed as a special use in the underlying zoning district. In addition, the following uses shall require a special use permit within the Clearbrook village overlay district. An asterisk (*) indicates additional, modified, or more stringent standards as listed in article IV, use and design standards, for those specific uses.

2. *Commercial Uses*
Fuel Center*

SEC. 30-61. I-1 LOW INTENSITY INDUSTRIAL DISTRICT.

Sec. 30-61-2. Permitted Uses.

(A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

6. *Miscellaneous Uses*
Parking Facilities*

SEC. 30-62. I-2 HIGH INTENSITY INDUSTRIAL DISTRICT.

Sec. 30-62-2. Permitted Uses.

(A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

6. *Miscellaneous Uses*
Parking Facilities*

(B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

2. *Commercial Uses*
Fuel Center*

SEC. 30-63. PTD PLANNED TECHNOLOGY DEVELOPMENT DISTRICT.

Sec. 30-63-3. Site Development Regulations.

(A) Each planned technological development shall be subject to the following site development standards:

5. Public streets in the PTD district shall be built in accordance with VDOT and Roanoke County standards. In reviewing the PTD preliminary master plan, the commission may recommend, and the board may approve, one or more private streets within the proposed district. ~~Private street standards, specifications and a proposed maintenance agreement shall be submitted with the preliminary master plan.~~ Private residential streets in the PTD district shall be built in accordance with the private road standards specified in the Roanoke County Design Handbook. Construction details for private residential streets shall be submitted with the PTD preliminary master plan.

Sec. 30-63-7. Revisions to Final Master Plan.

(B) All other changes in the final master plan shall be considered minor amendments. The administrator, upon receipt of a written request of the owner, may approve such minor amendments.

1. If the administrator fails to act on a request for a minor amendment to the master plan within ~~45~~ 30 calendar days, it shall be considered approved.

SEC. 30-71. EP EXPLORE PARK DISTRICT.

Sec. 30-71-3. Permitted Uses.

(D) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

1. *Miscellaneous Uses*
Broadcasting Tower*

ARTICLE IV – USE AND DESIGN STANDARDS

SEC. 30-81. AGRICULTURAL AND FORESTRY USES.

Sec. 30-81-5. Stable, Private.

(A) ~~General standards: Private stables in AR, AV, and R-1 districts shall comply with the following requirements:~~

1. Minimum lot size: Two (2) acres.
- ~~2.~~ A private stable shall be permitted only when accessory to a single-family dwelling.
- ~~23.~~ On lots of less than five (5) acres, no more than one stable animal per acre shall be permitted. No more than one (1) horse or pony shall be permitted for every two (2) acres of pasture area.
- ~~34.~~ Stables, and corrals, and other confined areas shall comply with all the setback requirements for accessory buildings be setback at least 50 feet from any property line. For the purpose of this section, perimeter fencing of a yard shall not be considered a confined area.
- ~~45.~~ Private stables shall prepare and follow a management plan for responsible and environmentally safe management of all animal wastes. Such plan shall be approved, when required by the Virginia Department of Environmental Quality, Division of Water. Animal waste shall not create a nuisance or health hazard to adjoining property owners. Stables shall properly manage animal waste so as to not create a nuisance or health hazard to adjoining or nearby property owners.
- ~~6.~~ A plot plan shall be required showing the location of the single-family dwelling, the location of the required horse or pony shelter, the location and type of fencing, and the acreage of pasture.
- ~~7.~~ A special use permit shall be required on lots less than five (5) acres in an R-1 zoning district.

SEC. 30-82. RESIDENTIAL USES.

Sec. 30-82-1. Accessory Apartments.

(A) Intent. Accessory apartments afford an opportunity for the development of small ~~rental dwelling~~ units designed to meet the special housing needs of ~~single persons,~~ persons with fixed or limited income, and relatives of families who live or desire to live in the county. Accessory apartments provide a degree of flexibility for home owners

with changing economic conditions and/or family structure, while providing a reasonable degree of protection for existing property values. In addition, these provisions are provided to formally recognize previously established apartments and provide for improved safety and physical appearance.

(B) General standards:

1. An accessory apartment shall ~~only be considered~~ be permitted by right as an accessory use to a detached single family residence ~~and no accessory apartment shall be located in any structure other than the principal structure on the lot, except as otherwise permitted in subsection (C) below.~~
2. An accessory apartment may be located in a structure other than the principal structure on the lot if a special use permit has been obtained by the property owner.
23. Maximum floor area: Upon completion of the construction, the accessory apartment shall not contain more than fifty (50) percent of the finished floor area of the principal dwelling unit located on the same lot, but in no case shall the accessory apartment exceed 1,000 square feet.
34. Only one accessory apartment shall be allowed on any one lot or parcel, and the owner of the property shall reside on the premises.
45. Exterior entrances to ~~the an~~ apartment in a principal structure shall be located so as to appear as a single family dwelling.
56. Minimum floor area of the apartment: Three hundred (300) square feet.
67. One parking space shall be required in addition to required parking for the principal dwelling ~~and no separate driveway shall be permitted except as otherwise permitted in the subsections below.~~
78. Health Department approval of sewage disposal shall be submitted prior to issuance of a building permit for an accessory apartment.

(C) Additional standards in the AG-3 and AG-1 districts:

1. An accessory apartment may be permitted by right in a building other than the principal building provided:
 - a. The parcel contains a minimum of three (3) acres.
 - b. The building in which it is located complies with all ~~setback~~ applicable zoning requirements for a principal building.

(D) Additional standards in the AV, AR and residentially zoned districts:

1. A detached accessory apartment may be permitted in a building other than the principal building with a special use permit provided:

a. The parcel meets the minimum lot size requirement of the zoning district it is located in.

b. The accessory building shall comply with all applicable zoning requirements for a principal building.

c. A separate driveway shall be permitted for a detached accessory apartment on parcels larger than two (2) acres.

~~(DE)~~ General standards in the C-1 and C-2 districts, independent of the general standards above:

Sec. 30-82-3. Home Occupations, Type I and Type II.

(B) General standards:

3. There shall be no outside storage of goods, products, equipment, or other materials inconsistent with a residential use associated with the home occupation. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, sold, or stored on the site. The sale of firearms as a home occupation shall be prohibited.

4. There shall be no sale of goods or products not produced on the premises except for an individual representative for cosmetics or crafts for offsite events.

6. ~~The home occupation shall not involve the commercial delivery of materials or products to or from the premises.~~ Deliveries related to the home occupation shall be limited to the United States Postal Service, parcel delivery services, and messenger services. The commercial delivery by tractor trailer of materials or products to or from the premises shall be prohibited.

(C) Additional standards for all Type I home occupations:

8. No advertising through local media, including telephone books, ~~and~~ flyers, and the internet shall call attention to the residential address of the home occupation.

Sec. 30-82-4. Multiple Dog Permit.

(A) General standards:

4. A special use permit shall be required on lots less than five (5) acres in an R-1 or R-2 zoning district.

Sec. 30-82-9. Manufactured Home Park.

(H) Streets and walkways:

1. Private streets shall be allowed within a manufactured home park ~~provided the surfacing materials and design comply with all applicable county standards for such streets, or to VDOT secondary road standards, whichever are more restrictive~~ and shall be constructed in accordance with the private road standards specified in the Roanoke County Design Handbook.
2. ~~The private street system shall provide convenient circulation by means of minor streets (serving forty (40) or fewer manufactured home lots), and collector streets (serving more than forty (40) manufactured home lots). Street widths shall be as follows:~~
 - a. ~~Collector streets with parking on both sides: Thirty-six (36) feet wide.~~
 - b. ~~Collector streets with no parking: Thirty (30) feet wide.~~
 - c. ~~Minor streets with parking on one side: Twenty-eight (28) feet wide.~~
 - d. ~~Minor streets with no parking: Twenty (20) feet wide.~~
 - e. ~~One-way minor streets with no parking: minimum of eleven (11) feet wide.~~
3. ~~Cul-de sacs on private streets shall have a minimum diameter of eighty (80) feet.~~
4. ~~The maximum gradient shall be twelve (12) percent for private collector streets, and sixteen (16) percent for private minor streets.~~
5. Manufactured home lots not served by a public or private street may be served by a walkway, trail or bikeway, provided such pathway serves the front, rear, or side of the manufactured home lot. Each pathway shall be constructed of a hard-surface, or gravel material, and shall have a minimum width of three (3) feet.

Sec. 30-82-13.1. Single Family Dwelling, Attached and Detached (Cluster Subdivision Option).

(F) Street and access requirements.

1. All residential lots within a cluster subdivision shall have frontage on and access to a publicly dedicated or maintained street or a privately dedicated and maintained street constructed in accordance with the private road standards specified in the Roanoke County Design Handbook.
2. ~~Maintenance of private streets shall be the responsibility of the homeowners association. Subdivision plat covenants shall provide that all maintenance of private streets including snow removal, is not a public responsibility. Covenants shall further certify that the private street shall not be~~

~~eligible for acceptance into the state secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the state department of transportation for the addition of subdivision streets current at the time of such request. Any costs required to cause private streets to become eligible for addition into the state system shall be provided with funds other than those administered by the county or the state department of transportation.~~

~~3. Pavement surface: The minimum pavement surface shall be asphalt. Alternate materials such as concrete, structural pavers, or cobblestone may be substituted provided the proposed surface will support the expected loads. Calculations and/or manufacturers specifications shall be required at submittal. Gravel is not an acceptable surface course.~~

~~4. Base course: Six (6) inches minimum depth. For streets to be served by school buses, eight (8) inches minimum depth. These depths are for sub-bases with a CBR value of 10 or higher.~~

~~5. Private streets shall be designed to accommodate the provision of regular public services. Specifically:~~

~~a. Vehicle turnarounds shall be included. The turn-around may be a cul-de-sac or T-turn-around.~~

~~b. A representative of the county school board shall review the design, and location of all proposed private streets, and shall advise the applicant whether or not the proposed private streets meet the standards for school bus service. If the proposed design does not meet standards for school bus service, the final subdivision plat shall contain a notation that the proposed private streets do not meet the standards for public school bus services and that the county school board shall not be obligated to provide service on the private streets. A representative of the county department of general services shall review proposals for solid waste collection on private streets, prior to plat approval.~~

~~6. Vehicular access: Private streets shall be platted as a separate parcel of land dedicated to the homeowners' association. Private right-of-ways shall be of sufficient width to encompass all drainage structures for the street and to allow maintenance of the street. On street parking shall be prohibited on at least one (1) side of the street, to ensure adequate space for public service vehicles.~~

~~7. Drainage: Drainage design shall meet all existing state department of transportation and county standards, as amended. Drainage easements shall be platted to the homeowners' association for maintenance.~~

~~8. Signage:~~

- a. ~~All traffic control and warning signs on private streets shall be the responsibility of the developer/homeowners' association, and~~
- b. ~~All access points from the public street to the private street shall be clearly marked with a sign stating that the street is private.~~

9. ~~Private street design: The following are required design standards for private streets.~~

Projected Traffic (Vehicles per Day)	Minimum and Maximum Pavement Width^a (feet)	Maximum Grade^b (percent)	Minimum Sight Distance^c (feet)	Minimum Shoulder Width (feet)
30—40 VPD	14	18	50	2
41—80 VPD	16	18	70	3
81-100 VPD	18	18	90	4
101-200 VPD	20	16	100	4

- a. ~~Pavement width is based upon a shoulder and ditch section. One-way streets shall be a minimum of twelve (12) feet wide.~~
- b. ~~Maximum grade: Streets shall not exceed three hundred (300) feet in length for grades greater than or equal to sixteen (16) percent. Maximum grade at all landings shall not exceed five (5) percent. Length of the landing, in feet, shall be based on the following formula: Vehicles per day X 0.5 feet.~~
- c. ~~Sight distance refers to stopping distance only. Sight distance at the intersection of two (2) private streets shall meet a design speed of twenty-five (25) mph. Sight distance at the intersection of a private street and a public street shall meet VDOT commercial entrance requirements.~~

Sec. 30-82-14. Townhouses.

(B) General standards:

- 9. ~~Provisions must be made for vehicular access and turn-around for regularly scheduled public service vehicles such as trash collection. If utilized, private roads shall be constructed in accordance with the private road standards specified in the Roanoke County Design Handbook.~~

Sec. 30-82-16. Temporary Portable Storage Containers.

(B) General standards:

7. Temporary portable storage containers cannot be located in the floodway or floodplain overlay district without meeting the standards in section 30-74, as amended.

78. Temporary portable storage containers shall be permitted on a lot for a period not to exceed thirty (30) consecutive days within a six (6) month period. For extensive construction projects a written extension may be granted by the zoning administrator.

89. Maximum cumulative size of temporary portable storage containers on a property shall not exceed one hundred thirty (130) square feet.

910. There is a limit of one (1) portable temporary storage container per lot.

1011. A zoning permit shall be required to be obtained prior to the placement of a temporary portable storage container by the department of community development with sufficient information, as determined by the zoning administrator, to determine compliance with all applicable regulations such as:

- a. Size of container
- b. Location
- c. Delivery date
- d. Removal date
- e. Purpose of container
- f. Container provider contact information.

SEC. 30-83. CIVIC USES.

Sec. 30-83-3. Community Recreation.

(A) General standards:

1. Any parking lot, outdoor activity area, swimming pool, or ball field or court which adjoins a residential use type shall be landscaped with one row of small evergreen trees in accordance with section 30-92 along the property line adjoining the residential use type. Where night-time lighting of such areas is proposed, large evergreen trees shall be required.

Sec. 30-83-5. Educational Facilities.

(A) General standards:

1. Any parking lot, outdoor activity area, ball field or court, or stadium which adjoins a residential use type shall be landscaped with one row of small evergreen trees in accordance with section 30-92 along the property line adjoining the residential use type. Where night-time lighting of such areas is proposed large evergreen trees shall be required.

(C) In residential districts, the maximum building coverage shall be 40 percent and the maximum lot coverage shall be 60 percent of the total lot area.

Sec. 30-83-7. Park and Ride Facility.

(A) General standards:

2. Park and ride facilities shall comply with the parking facility standards listed in section 30-87-4.

Sec. 30-83-9. Religious Assembly.

(B) In residential districts, the maximum building coverage shall be 40 percent and the maximum lot coverage shall be 60 percent of the total lot area.

(BC) In the AG-3, AG-1 and AR districts, the maximum building coverage shall be ~~twenty (20)~~ 30 percent and the maximum lot coverage shall be fifty (50) percent of the total lot area.

(ED) In the AG-3, AG-1, AR, and R-1 districts a special use permit shall not be required for the expansion of an existing use provided all of the following conditions are met:

- a. The total gross floor area of the expansion itself does not exceed 15,000 square feet; and
- b. The gross floor area of the expansion is not more than two hundred (200) percent of the existing gross floor area; and
- c. The expansion does not include a principal worship area expansion of more than fifty (50) percent of the existing permanent seating.

All other expansions must obtain a special use permit.

(DE) Additional standards in the C-2 district:

1. All new religious assembly uses require a special use permit.

2. Expansions of existing uses are permitted by right.

SEC. 30-84. OFFICE USES.

Sec. 30-84-3. Financial Institutions.

(A) General standards:

1. All drive-through windows shall conform to the standards for drive-through facilities contained in section 30-91-~~106~~.

SEC. 30-85. COMMERCIAL USES.

Sec. 30-85-3. Automobile Dealership, New.

(A) General standards:

1. Outdoor display areas in conjunction with automobile sales shall be constructed of the same materials required for off-street parking areas as required in section 30-~~1991~~-4.3, parking area surface standards.

Sec. 30-85-4. Automobile Dealership, Used.

(A) General standards:

1. Outdoor display areas in conjunction with automobile sales shall be constructed of the same materials required for off-street parking areas as required in section 30-~~1991~~-4.3, parking area surface standards.

Sec. 30-85-14.5. Fuel Center.

(A) General standards:

1. Bulk storage of fuel shall be underground pursuant to the standards established by the National Fire Prevention Association (NFPA) and the U.S. Environmental Protection Agency (EPA).
2. Fuel dispensers shall be located at least 30 feet from any public street right-of-way, and shall be located at least 100 feet from any adjoining residential use type.

3. When adjoining a residential use type, a Type C buffer yard in accordance with section 30-92 shall be provided along the property line which adjoins the residential use type.

Sec. 30-85-16. Gasoline Station.

(A) General standards:

2. Fuel dispensers shall be located at least 30 feet from any public street right-of-way, and shall be located at least 100 feet from any adjoining residential use type.

3. When adjoining a residential use type, a Type C buffer yard in accordance with section 30-92 shall be provided along the property line which adjoins the residential use type.

(B) Additional standards in the AV and NC districts:

~~2. Fuel dispensers shall be located at least thirty (30) feet from any public street right-of-way, and shall be located at least one hundred (100) feet from any adjoining residential use type.~~

~~3. When adjoining a residential use type, a Type C buffer yard in accordance with section 30-92 shall be provided along the property line which adjoins the residential use type.~~

Sec. 30-85-24. Restaurant, Drive-In or Fast Food.

(A) General standards:

2. A special use permit shall not be required for any fast food restaurant that is located within a shopping center (excluding outparcels) ~~and which~~ that provides delivery service but does not propose drive-in or curbside service.

SEC. 30-87. MISCELLANEOUS USES.

Sec. 30-87-3. Outdoor Gatherings.

(A) General standards:

2. In addition, a detailed plan shall be submitted of all facilities to be provided in accordance with the following guidelines:

- e. Any lighting installed for the gathering shall be directed away from adjoining properties and public rights-of-way, and shall not exceed ~~one~~ one-half (0.5) foot candle measured at the property boundary of the site.

Sec. 30-87-4. Parking Facilities~~iesy~~.

- (A) General standards:

2. Structured parking facilities shall comply with section 30-91-4.5, parking structures.

SEC. 30-88. ACCESSORY USES AND STRUCTURES.

Sec. 30-88-2. Accessory Uses: Residential Use Types.

- (A) Residential use types may include the following accessory uses, activities or structures on the same site or lot:

9. Temporary family health care structures in accordance with section 15.2-2292.1 of the Code of Virginia, as amended.

ARTICLE V – DEVELOPMENT STANDARDS.

SEC. 30-90. SITE DEVELOPMENT PLANS.

Sec. 30-90-1. Information Required.

11. Off-street parking areas and parking spaces including handicapped spaces, loading spaces, shopping cart corrals, and walkways indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of spaces provided and the number required by this ordinance.

SEC. 30-91. OFF STREET PARKING, STACKING AND LOADING.

Sec. 30-91-2.2. Recreational Vehicle and Commercial Vehicle Parking.

(A) In the AR district and in all residential districts:

1. Except for vehicles parked within multi-family developments all utility trailers and recreational vehicles, shall be parked behind the front building line, unless space is provided in a completely enclosed garage or other building. For the purposes of this section only, a corner lot that fronts on two (2) streets shall have only one (1) front building line in accordance with section 30-100-7. In the case of a unique house configuration the zoning administrator shall determine the parking location for the recreation vehicle, based on having no interference on sight distance in accordance with section 30-100-8.

Sec. 30-91-3.2. Spaces for Disabled Parking.

(A) Generally, the number of parking spaces reserved for the disabled, except for single- and two-family dwellings, shall comply with the following table and shall count toward the minimum number of off-street parking spaces required.

<u>Total Off-Street Parking Required</u>	<u>Parking for Disabled Required</u>
<u>1 to 25</u>	<u>1</u>
<u>26 to 50</u>	<u>2</u>
<u>51 to 75</u>	<u>3</u>

<u>76 to 100</u>	<u>4</u>
<u>101 to 150</u>	<u>5</u>
<u>151 to 200</u>	<u>6</u>
<u>201 to 300</u>	<u>7</u>
<u>301 to 400</u>	<u>8</u>
<u>401 to 500</u>	<u>9</u>
<u>501 to 1,000</u>	<u>2 percent of total</u>
<u>1,001 and over</u>	<u>20 plus 1 for each 100 over 1,000</u>

(B) Disabled parking aisle and space dimensions shall comply with the current edition of the Virginia Uniform Statewide Building Code.

Sec. 30-91-3.3. Minimum Parking Required.

(E) <i>Commercial Use Types</i>	
Equipment Sales and Rental	See Schedule A
<u>Fuel Center</u>	<u>1 space per employee, plus required stacking space</u>
Funeral Home	1 space per 4 seats in main chapel, plus 1 space per 2 employees, plus 1 space per company vehicle

Sec. 30-91-~~3-43.4~~. Maximum Off-Street Parking.

Sec. 30-91-~~3-53.5~~. Shared Parking.

Sec. 30-91-4.5. Parking Structures (~~Reserved~~).

(A) General standards:

1. Parking structures shall be subject to the minimum yard, setback and height requirements applicable in the zoning district in which the structure is located, except for below grade parking structures.
2. All parking structures with at least one wall façade exceeding 100 feet in length shall incorporate vertical or horizontal variation in setback, material, or fenestration along the length of facades visible from a public right-of-way.

(B) Access and Circulation standards:

1. Parking spaces and aisles shall conform to the standards set forth in the Roanoke County Design Handbook.
2. Parking spaces, aisles, approach lanes and maneuvering areas shall be clearly marked with directional arrows and signage to ensure the safe and efficient flow of vehicles.

(C) Lighting:

1. Parking, access and pedestrian areas shall have adequate illumination for security and safety, and shall comply with section 30-94, exterior lighting.
2. Exterior lighting fixtures shall be energy efficient with standards and fixtures (poles, vertical supports) not exceeding a height of 15 feet measured from the surface of the parking area.

(D) Landscaping:

1. Landscaping for parking structures shall be provided in all yards pursuant to perimeter landscaping requirements for surface parking areas. However, where the location of such structure with respect to property boundaries and adjacent structures will substantially inhibit the growth of required trees, such trees may be located along another perimeter of the site in a manner approved by the administrator.
2. Parking structures shall not be required to provide planting islands or landscaped medians within the parking structure.
3. A minimum of five (5) percent of the area of the top level of a parking structure must be permanently landscaped where the top level of the structure has a four (4) foot or less vertical distance from street grade or is directly accessible from the street.
4. Top level landscaping shall consist mainly of evergreen planting material, such as groundcover and small shrubs, and may include large pots that have a minimum diameter of three (3) feet measured from the inside of the planter and a minimum height of three (3) feet.
5. Parking structures located entirely below grade shall incorporate the required perimeter landscaping into the overall landscaping plan for the site and shall be designed to have adequate soil depth above the parking structure to ensure healthy tree and landscape growth.

Sec. 30-91-~~5-15~~1. Bicycle Parking Standards.

Sec. 30-91-~~5-25~~2. Motorcycle Parking Standards.

Sec. 30-91-~~5-35.3~~. Mass Transit Options.

SEC. 30-92. SCREENING, LANDSCAPING, AND BUFFER YARDS.

Sec. 30-92-6. Applicability of Regulations and Requirements.

(F) Additional screening requirements:

1. All refuse service (dumpsters/containers) and outdoor storage areas in all zoning districts shall be screened from surrounding views per section 30-92-5 and as shown in the Roanoke County Design Handbook. Height of screening must be a minimum of six (6) feet.
2. Ground level and roof top mechanical equipment shall be screened or landscaped per section 30-92-5 and as shown in the Roanoke County Design Handbook.

SEC. 30-100. MISCELLANEOUS.

Sec. 30-100-2. Yard, Setback, Coverage, and Height Requirements.

(E) A structure that is entirely below grade (underground) shall be exempt from the minimum setback requirements of that zoning district. In the case of a unique setback for a partially underground structure, the administrator shall determine the setback for the structure based on having no interference on sight distance with section 30-100-8. Portions of an underground structure which are below grade shall not be counted when calculating lot or building coverage.

Sec. 30-100-13. Solar Energy Systems.

(A) The purpose of this regulation is to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water while protecting the health, safety and welfare of adjacent and surrounding land uses.

(B) Solar energy systems are permitted in any zoning district and may be installed upon receipt of the necessary permit(s) from the County and subject to the following use and design standards:

1. General standards: